

REMARKS

The Examiner has rejected claims 1-3 under 35 USC 103 as being obvious over Vukosic in view of Parkyn, Jr., stating that as to claim 1, Vukosic discloses an omni directional warning lamp comprising a plurality of light emitting diodes 16 mounted radially on a horizontal circumference, but does not disclose that the warning lamp would comprise elliptically light distributing LEDs; Parkyn, Jr. discloses an elliptically distributing light emitting diode 450 in Figs. 4 and 9 that shows the light emitting diodes distribute light in elliptical form LEDs; and it would have been obvious to one of ordinary skill in the art to modify Vukosic in view of the teachings of Parkyn, Jr.

In reply thereto, Applicant has carefully reviewed Vukosic and respectfully submits that Vukosic does not disclose an omni directional warning lamp in the sense of Applicant's invention and instead merely discloses a plurality of different colored light emitting diodes that are provided on both sides of a flat circuit board which are contained within a cylindrical transparent housing which diffuses the light in all directions. In contrast thereto, the LEDs in Applicant's invention are arranged radially on a horizontal circumference as is apparent from Fig. 3 of Applicant's application.

Still further, Applicant has carefully reviewed Parkyn, Jr. and respectfully submits that Fig. 4 is merely a lens shape and not the light distribution. Still further, Applicant respectfully submits that from Figs. 9(a) and 9 of Parkyn, Jr., again is merely shown the shape of the lens and the light distribution is not elliptical.

In view of the above, therefore, Applicant respectfully submits that the combination of Vukosic in view of Parkyn, Jr. is not Applicant's invention.

The Examiner has rejected claims 4-6 under 35 USC 103 as being obvious over Parkyn, Jr. in view of Vukosic. In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention, Parkyn, Jr. and Vukosic and respectfully submits that the combination suggested by the Examiner, though reversed from the rejection of claims 1-3, is still not Applicant's invention and claims 4-6 are not obvious over Parkyn, Jr. in view of Vukosic.

The Examiner has rejected claims 4-6 under 35 USC 103 as being obvious over McDermott in view of McDermott '196 and further in view of Parkyn, Jr., stating that McDermott regarding claims 4-6 discloses all the limitations of the claims comprising LEDs S1-

S7, lens 332, having a diffuse portion, Figs. 1, 2 and 12 teach how the LED light fixtures are provided radially and on a horizontal circumference and Fig. 12 shows that the lighting fixture can be stacked, but McDermott does not disclose elliptically light distributing LEDs or a screw that runs through the bosses of the lighting fixture that fastens the light units together; Parkyn, Jr. discloses an elliptically distributing light emitting diode 450 in Figs. 4 and 9.

Firstly, the Examiner has not identified which McDermott the Examiner is relying upon. In view of the prior rejections and the reference numerals referred by the Examiner, Applicant assumes that the Examiner is referring to USP 5,899,557. In addition, in the discussion of this rejection, the Examiner has not mentioned McDermott '196. However, Applicant will still reply.

Applicant has carefully reviewed McDermott '557 and respectfully submits that McDermott '557 does not disclose elliptically light distributing LEDs, as is admitted by the Examiner, nor suggest that such LEDs would be utilized or utilizable in McDermott '557. In particular, Applicant respectfully submits that McDermott '557 relies upon the lens 32 to focus its light outwardly and accordingly would not suggest to one of ordinary skill in the art that one would utilize elliptical light distributing LEDs. Still further, Applicant respectfully submits that McDermott '557 does not show or disclose the utilization of a screw that runs through bosses of the lighting fixture to fasten the stacks together, as is required by Applicant's invention. Also, Applicant respectfully submits that there is no disclosure or suggestion in McDermott '557 that the lens 32 would include a diffusion part in the form of a film.

Applicant has carefully reviewed McDermott '196 and respectfully submits that McDermott '196 does not disclose elliptical light distributing LEDs in the sense of Applicant's invention. In particular, Applicant respectfully submits that Fig. 3 of McDermott '196 in col. 8, lines 45-65 disclose that the light emitted from the device would be cylindrical beam symmetrical about the axis X1 and approximately of diameter D3. In all, Applicant respectfully submits that the teachings of McDermott '196 are substantially the same as Parkyn, Jr.

In addition to the above, Applicant would like to incorporate by reference his comments above concerning Applicant's invention and Parkyn, Jr. and respectfully submits that Parkyn, Jr. does not disclose elliptically light distributing LEDs.

In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not only not Applicant's invention but also is not suggested by the art and claims 4-6 are not obvious thereover.

The Examiner has rejected claim 7 under 35 USC 103 as being obvious over McDermott '196 in view of Parkyn, Jr., stating that McDermott in view of Parkyn, Jr. discloses the limitations of the claimed invention including an elliptically distributing light emitting diodes, but does not disclose a divergence angle of 120-150 degrees; but it is the Examiner's opinion that one of ordinary skill in the art would provide LEDs having a horizontal divergence angle of 120-150 degrees since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning McDermott '196 and Parkyn, Jr. and respectfully submits that the combination suggested by the Examiner is not Applicant's invention since neither discloses LEDs having elliptical light distribution. Also, Applicant respectfully submits that there is nothing in either of the art suggested by the Examiner which teaches anything about the general conditions or discovering the optimum or workable ranges and particularly does not show or suggest or teach a divergence angle of 120-150 degrees.

In view of the above, therefore, Applicant respectfully submits that not only is the combination suggested by the Examiner not Applicant's invention but also the combination suggested by the Examiner is not suggested by the art and one of ordinary skill in the art would not create Applicant's invention from the art relied upon by the Examiner.


In view of the above, therefore, Applicant respectfully submits that claim 7 is not obvious over McDermott '196 in view of Parkyn, Jr.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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